
HOUSE BILL No. 1558

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-4-3.1; IC 34-28-5-9.

Synopsis: Liability of bureau of motor vehicles for database errors. Holds the bureau of motor vehicles (BMV) liable for the expenses incurred by a person who is wrongfully arrested due to inaccurate information in the computer system of the bureau of motor vehicles.

Effective: July 1, 2001.

Cherry

January 11, 2001, read first time and referred to Committee on Judiciary.

C
o
p
y



First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1558

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-4-3.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 3.1. (a) If a law enforcement officer in good faith**
4 **arrests a person for an infraction violation based upon information**
5 **the law enforcement officer receives from the bureau that is**
6 **inaccurate, the bureau may be liable for the following:**

7 **(1) All expenses related to the towing and storage of the**
8 **person's vehicle.**

9 **(2) All expenses related to the posting of bail.**

10 **(3) Any other expenses incurred by the person that the court**
11 **determines to be appropriate.**

12 **(b) A person who seeks to recover the expenses under subsection**
13 **(a) must file a petition not more than thirty (30) days after the date**
14 **of the arrest in the circuit or superior court of the county in which**
15 **the person resides. If the person is not a resident of this state, the**
16 **person may file a petition in the Marion circuit court.**

17 **(c) The petition must state the following:**



C
o
p
y

(1) Facts showing how the bureau information the law enforcement officer relied upon was inaccurate on the date of arrest.

(2) Costs incurred by the person as described in subsection (a).

(d) The court shall, not more than six (6) months after the date the petition is filed, conduct a hearing. The standard of proof that must be met before the petitioner may recover is a preponderance of the evidence.

(e) A receipt or a certified copy of a receipt issued by the court under IC 34-28-5-9(6) is admissible in a proceeding under this section.

SECTION 2. IC 34-28-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. **(a)** The court shall:

(1) designate the traffic violations within the authority of the violations clerk, but these violations may not include misdemeanors or felonies;

(2) establish schedules, within limits prescribed by law, of the judgments to be imposed for first violations, designating each violation specifically;

(3) order that the schedule of judgments be prominently posted in the place where the fines are paid;

(4) establish a procedure under which any violations clerk or deputy violations clerk shall accept, receipt, and account for all money tendered for designated traffic violations; ~~and~~

(5) dismiss deferred actions if a dismissal request is made under section 1(f) of this chapter (or IC 34-4-32-1(f) before its repeal); **and**

(6) issue a receipt to each motorist upon receiving payment for an infraction violation.

(b) The receipt described in subsection (a)(6) must include the following information:

(1) Date of payment.

(2) Amount of payment.

(3) Infraction the motorist committed.

(4) Name of motorist.

C
o
p
y

